

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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FREDY QUIZPHE,

Plaintiff,

21 **CIVIL** 1709 (KMK)

-against-

JUDGMENT

THOMAS McGUINNESS,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated October 5, 2022, the R&R, dated August 22, 2022, is ADOPTED in its entirety. The Petition is DISMISSED. Because Petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue, see 28 U.S.C. § 2253(c)(2); *Lucidore v. N.Y. State Div. of Parole*, 209 F.3d 107, 111-12 (2d Cir. 2000), and the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from the Order would not be taken in good faith; accordingly, the case is closed.

Dated: New York, New York
October 6, 2022

RUBY J. KRAJICK

BY:

Clerk of Court

K. mango

Deputy Clerk